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Message Text

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ACTION SNM-02

INFO OCT-01 ARA-10 ISO-00 IO-13 DEAE-00 CIAE-00 INR-07
JUSE-00 NSAE-00 TRSE-00 USIA-15 NSC-05 OES-06
OMB-01 HEW-06 MED-03 /069 W
----------250657Z 087111 /12
R 241503Z MAR 77
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 4006
INFO AMEMBASY CARACAS

UNCLAS SANTIAGO 02375

AMEMBASSY CARACS PASS DEA

E.O.11652:N/A
TAGS: CI, SNAR
SUBJ: CONGRESSIONAL HEARINGS ON DECRIMINALIZATION OF MARIJUANA

REF: STATE 057055

1. CHILEAN NARCOTICS LAW N0. 17,934 OF MAY 9, 1973, AS MODIFIED BY DECREE LAW 535 OF JULY 11, 1973, PLACES MARIJUANA IN A CATEGORY OF "$47 DRUGSS THAT DO NOT PRODUCE GRAVE TOXIC EFFECTS OR CONSIDERABLE HARM TO PUBLIC HEALTH." CONVICTION FOR TRAFFICIKING IN MARIJUANA, AS IN HARD DRUGS SUCH AS COCAINE AND HEROIN, NEVERTHELESS CARRIES A MINIMUM SENTENCE OF FIVE YEARS AND ONE DAY AND A MAXIMUM OF 15 YEARS, PLUS NO MINAL FINES RANGING FROM USD$176.49 TO USD$1,764.93. BUT THE JUDGE HAS CONSIDERABLE FLEXIBILITY IN REDUCING THE SENTENCE IF IT IS ESTABLISHED THAT THE DRUG WAS FOR PERSONAL USE.

2. UNDER CHILEAN LAW POSSESSION OF MARIJUANA IS TREATED AS TRAFFICKING, UNLESS THE OFFENDER CAN PRO E THAT THE QUANTITY SEIZED WAS FOR PERSONAL CONSUMPTION. IN DETER-MINING THE FACTOR OF PERSONAL CONSUMPTION, HTHE JUDGE
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WEIGHTS SUCH FACTOS AS THE QUANITTY OF MARIJUANA SEIXED, HTE CIRCUMSTANCES UNDER WHICH IT WAS SEIZED, AND MEDICAL REPORTS. SHOULD THE OFFERNDER ESTABLISH THAT THE MARIJUANA WAS FOR PERSONAL CONSUMPTION, THE JUDGE THEN SETS THE SENTENCE AT BETWEEN 61 AND 540 DAYS. THE JUDGE ALSO MAY REFER TO THE OFFENDER TO A REHABILITATION CENTER FOR TREATMENT.

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3. IN TRAFFICKING, GOC NARCOTICS PROSECUTORS CONSISTENTLY
DEMAND THE STRICTEST APPLICATION OF THE LAW. THE
COURTS ALMOST ALWAYS ACCOMODATE THEM.
POPPER

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Message Attributes

Automatic Decaptioning: X
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Disposition Approved on Date:
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Disposition Comment:
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Disposition Event:
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Previous Handling Restrictions: n/a
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